



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 411

BOSTON, MASSACHUSETTS 02108

(617) 727-8352

(800) 462-OCPF

MARY F. McTIGUE
DIRECTOR

August 12, 1992
AO-92-20

Leslie Tarr Laurie
Executive Director
The Family Planning Council of Western Massachusetts
16 Center Street
Northampton, MA 01060-3005

RE: Employee of Organization Running for Elected Office

Dear Ms. Laurie:

This letter is in response to your June 9, 1992, request for an advisory opinion regarding the restrictions on a full-time employee of the Family Planning Council of Western Massachusetts seeking elected office.

In your letter you stated that the candidate is a full-time employee of your organization and intends to continue as such while running for the position of state representative. You have indicated that the candidate will not engage in campaign activities during work hours, and has signed a statement to this effect. You also stated that the Family Planning Council receives funding primarily from private donations, but also receives both federal and state monies. In this context you ask whether there are any restrictions upon the employee/candidate running for the office of state representative.

Under Massachusetts law there are no restrictions, other than those applicable to all candidates, upon an employee of your organization running for elected office. I have enclosed the pamphlet entitled Campaign Finance Guide for Candidates for the Massachusetts General Court. This guide outlines the basics of campaign finance law as applied to state representative candidates.

Although you stated in your letter that the candidate would not engage in campaign activities during regular work hours this is still an area of concern. If your organization allowed

Leslie Tarr Laurie
August 12, 1992
Page 2


the candidate to use office equipment or resources, even after normal working hours, this would be an in-kind contribution. The candidate would clearly be receiving something of value from the Family Planning Counsel. If such practices occur, you must comply with this Office's restrictions as they are outlined in Interpretive Bulletin 105, which has been enclosed for your information.

In addition, if your organization were to engage in the noted contributions, in-kind or otherwise, the Family Planning Counsel may have to comply with additional restrictions. An organization receiving business corporation funds in its general treasury must observe the prohibitions of AO-91-31, as they are outlined therein. This opinion has been included for your information.¹

It is therefore the opinion of this Office that the candidate/employee may, under Massachusetts campaign finance law, run for the office of state representative without being subject to any additional restrictions beyond those which apply to any candidate for elected office.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55. Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Very truly yours,



Mary F. McTigue
Director

MFM/mm

1. If the Family Planning Counsel is a tax exempt organization you should inquire with the Internal Revenue Service as to whether making such political contributions would alter or effect your tax status.